Asian Law Caucus Reporter

ASIAN LAW CAUCUS

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Hirabayashi Trial **Exposes Gov't** Misconduct



Gordon Hirabayashi (left), Min Yasui (middle), and Fred Korematsu (right) fought to overturn their WWII convictions. (Steven Okazaki photo)

Gordon Hirabayashi, the last of the three Japanese Americans to have his WWII conviction judicially reviewed, won an initial victory on June 17, 1985, when the judge refused to accept most of the government's ex-

U.S. District Judge Donald Vorhees granted the motion by Hirabayashi's lawyers to exclude close to 1,000 exhibits, most of which were recently declassified. Only about a dozen of the documents concerning actions by the Justice Department, War Department and other government agencies concerning Japanese Americans during the war were allowed.

Hirabayashi's case is the only one to force the government to defend the legal underpinnings of what is now widely exercted.

widely regarded as a grave national mistake. The government continues to maintain there was evidence to support a national security danger. New documents have been uncovered, however, showing that the government's actions at the time were racially motivated.

At a hearing on June 20, Edward Innis, a former Justice Department attorney, testified that when he prepared a Supreme Court brief defending the army's position on the West Coast, his superior Solicitor General Charles Fahey told him to exclude contradictory evidence from the brief. Innis introduced a memo he wrote to Fahey at that time that ex-cluding those information could constitute a suppression of

FBI and Federal Communications Commission reports contradicted army contentions, Ennis told the court. For example, he said, that army reports indicated that lights on California hillsides indicated surreptitious signals to Japanese sub-marines, but an FBI check showed that these were farms where people used flashlights to go to outside toilets. An FBI memo concluded that the army was getting hysterical when it cited an Oregon power outage as sabotage, but instead was caused by cattle scratching their backs against ower lines, he added.

Hirabayashi was a student at the University of Washington when he was convicted for failing to observe curfew regulations imposed on all Japanese Americans during WWII. He was 23 at that time, and like Min Yasui and Fred Korematsu, believed that the curfew and internment were unjustified, violating the civil and constitutional rights of over 120,000 Japanese Americans. His conviction was upheld by the U.S. Supreme Court in 1943.

Korematsu's case was reopened in 1983 in San Francisco. Judge Marilyn Hall Patel found government misconduct when it suppressed evidence in his 1942 trial. She then vacated his conviction. Yasui's conviction was struck down last year with the government's acquiescense in Portland, Oregon. However, the judge refused

ALC Supports SF Contractor Ordinance

The Asian Law Caucus together with 4 other legal groups, are representing a dozen minority, women and local businesses, as intervenors in a federal lawsuit. They seek to uphold a San Francisco City

seek to upnoid a San Francisco City ordinance providing affirmative action in the city use of minority, women and local businesses.

A lawsuit, filed November 5, 1984 by 6 corporations including the Associated General Contractors of California seeks to eliminate the or-California, seeks to eliminate the ordinance. There are 11 appellees intervenors and they are represented by Robert Harris of the Charles Houston Bar Association, Judith Kurtz and Shauna Marshall of the Equal Rights Advocates, William McNeill of Pearl, McNeill, Gillespie and Standish, Eva Paterson of the SF Lawyers Commit-tee on Urban Affairs and, Ed Lee and Bill Tamayo of the Asian Law Caucus.

In response to a long-standing discrimination in the city's contracting practices, the San Francisco Board of Supervisors on April 2, 1984 enacted the Minority Women/Local Business (Itilization Ordinance. The ordinance sought to ensure that the city's prime contractors in the provision of goods and services would be awarded to minorities, women, and local businesses. 40% of the city's eligible contract dollars (with 30% going to minorities and 10% to women) have been allocated but departments are expected to minimally comply with only 12%.

STUDY SHOWS DISPARITY

A study conducted by the City's Human Rights Commission found that despite the fact that over 33% of San Francisco based firms are minority-owned and 25% womenowned, the City awarded these businesses less than 2.9% of 40% of its prime contract dollars during 1981 and 1982. The study further revealed that the City has a minority population of nearly 50%, a female popula-tion of close to 60% and a civilian workforce that is 45% female

The only plausible explanation, asserted the intervenors brief, for this asserted the intervenors prier, for this marked statistical disparity and low percentage of MBE/WBE participation is that they continue to suffer from the present effects of past

discrimination against them.

The HRC investigation also found compelling evidence that the cost of doing business in San Francisco is 15% greater than in other parts of the country and the State of California. Thus, local businesses are at a competitive disadvantage with non-local competitive bidding.

Even with progressive anti-discrimination laws in the city pro-hibiting contractors from discriminating and requiring them to integrate the workforce, the HRC found that in order to effectuate the goals of the nondiscrimination or-dinance, affirmative steps were needed to provide minority entrepreneurs an opportunity to develop and gain a foothold in the marketplace.

PRIME CONTRACTS DENIED

Many minority and women entrepreneurs complained that were victimized by the city's discriminatory practice, whereby they were often denied contracts because they lack experience in managing their own businesses. "But by deny-ing us that contract, the city has denied us that opportunity," argued one of the minority contractors.

The virtual exclusion of minority and women owned businesses cause irreparable economic and social harm to these groups and adversely affects the economic health of the city, the intervenors argued in the brief. Moreover, the lack of a city policy to remedy existing discriminatory practices only perpetuates the present effects of past discrimination.

Plaintiffs arguing against the or-dinance stated that the local business preference impairs their constitutional right to travel. The City in defending its position responded that (Continued to page 2)

to pursue the allegations of government misconduct.

Even with the vacation of the Korematsu and Yasui wartime convictions, the Supreme Court decisions still stand as precedents for govern-mental actions based solely on

Although the Justice Department agrees that Hirabayashi's conviction should be nullified, it has disagreed to go into an inquiry into the events that led to the internment 43 years ago. U.S. attorney Victor Stone stated

that "everyone has learned from the lesson of that tragedy without needing to reopen those same wounds to determine what was the particular problem that caused a poor judgement to be made.

But Hirabayashi, his attorneys, and the Committee to Reverse the Japanese Wartime Cases feel that the government must be accountable for its actions. They want the courts to vacate his conviction with a review of events leading to the internment.

T & W Workers Harassed, Fired After DOL Hearings

After almost two years of litigation against a major garment contractor, workers from T&W Fashions continue to show their opposition to unlawful and exploitative business practices. In the most recent demonstration of support for the lawsuits against T&W Fashions, over 80 workers met with the U.S. Department of Labor on March 20 and 21, to discuss both the lawsuit and the role that the workers must play in the legal action.

The Department of Labor filed its lawsuit for over \$800,000 in minimum wage and overtime violations in October of 1984. This suit, on behalf of past and present workers of T&W, was the result of a year-long investigation of the contracting shop, it also followed a suit by the Asian Law Caucus in November, 1983, for minimum wage and overtime damages, and for damages caused by employment practices on behalf of thirteen former workers (See ALC Reporter, July-December 1984).

Shauna Marshall and Marjorie Fujiki of Equal Rights Advocates and Patricia Shiu of the Employment Law Center have joined Michael Wong and Dennis Hayashi of the Asian Law Caucus in representing the T&W

Dennis Hayashi, lead counsel for the thirteen workers, commented, "We initially had to depend on just a handful of past workers who had enough courage to come forward and challenge T&W's unfair practices. Support is clearly growing for the suits, but workers will still have to be brought together if the lawsuit is to gain momentum.

CONTINUING HARASSMENTS

This growing support has not gone unnoticed by the T&W employers. From the beginning of the legal actions, the owners of T&W have waged a steady campaign to try to keep their workers in line. This had included direct harassment, proposed restructuring of work days and hours, and threats that the lawsuits would put T&W out of business.

Tammy Ho, owner and president of T&W Fashions for example, appeared at the Federal Building, where the 80 workers were meeting with the Department of Labor. "It was an obvious intimidation tactic to prevent the workers from going to the meeting," said Esther Leong, a Caucus law clerk who has spent a great deal of time working directly with the T&W clients. "Tammy Ho and her attorney attempted to get into the meeting and had to be forcibly turned away by federal marshalls. They then stood by the main entrance, taking down names of workers who attended the meeting

Harassment did not stop there. Two days after the DOL meeting, two workers had their hours reduced below half-time, allegedly due to lack of work. However, the employer had made it clear to the workers that she was angry with her workforce for at-tending the meeting, and in par-ticular, angry at two workers for speaking up at the meeting. The two workers were forced to

resign because of the reduced working hours. One of them filed for unemployment insurance benefits but was rebuffed by T&W stating that her reduction was only temporary. The unemployment appeals administrative law judge found that work was available and that the reductions constituted retaliation against workers who assisted in the lawsuits. The worker, who was represented by Ed Lee, Caucus attorney, finally received her unemployment benefits.

Other workers continue to com-

other workers continue to complain about ongoing harassment by T&W. This may lead to further legal action against T&W. Already, the Department of Labor has gotten a restraining order against T&W for harassing workers in any of its future meetings. These acts by T&W have actually generated more support among its workforce for the legal ac-

The Department of Labor's action is scheduled for trial in U.S. District Court in October. The action by the ALC, ERA and ELC is still in the process of discovery in San Francisco Superior Court, and has not been set for trial as yet. Because of the early trial date for the federal court case, attention will be focused on the October trial in preparing workers for their testimonies against T&W.



Michael Wong (seated) and Dennis Hayashi (standing) sued T&W on behalf of 9 workers for backwages and overtime pay. (Monica Lee photo)

Address Change/Corrections?

This year, we will attempt to come out with 3 issues of the ALC Reporter with another one in September and December.

We are also in the process of revising our mailing list and would appreciate your cooperation in letting us know if you are either receiving duplicates, have moved, error in spelling of your name or address, or several of you in the same household or workplace can share the same mailing. Please use the form below for your convenience.

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Conyers: We need to **Expand/Preserve Rights**



Congressman John Conyers keynoted the May 31st benefit program at the Palace of Fine Arts. (Tim Uyeki photo)

"We must take a broader perspec-tive on the significance of immigrant rights," urged John Conyers, con-gressman from Detroit, Michigan and the keynote speaker at the Asian Law Caucus program May 31

"The Simpson-Mazzoli Bill is not just an immigrant question, not just a civil rights question, but a movement against our democratic processes," he told the crowd of close to 600 at the Palace of Fine Arts in San Francisco. "We are at once world citizens, struggling for justice in Nicaragua as well as struggling against unemploy-ment in Detroit," he continued. The festive celebration honored

those who took courageous stands in the struggle for immigrant rights. The event specifically honored Jack Elder, director of Casa Romero and a staunch advocate for providing sanctuary to Salvadoran refugees, and nine parents, who were plaintiffs in a lawsuit against the Oakland School District to compel implementation of bilingual education programs

The program underscored the hard-ships and the courage of those who struggle for immigrant rights. Reflecting on his feelings when countersued by the Oakland School District, Carlito Cardona, one of the honorees, stated that "it sure was lonely when faced with the wrong end of \$4 million." Elder, who was serving his sentence for helping a Salvadoran refugee, sent a statement, which was read by his attorney Lisa Brodyaga.

Brodyaga expressed that the program showed her that "the support (for the sanctuary movement) is so much greater and broader than what we realize." "That is the message we must take back to Texas," she added, "that people are reaching out and are understanding the struggle and linkages between other parts of the country and the world.

Asian Law Caucus director, Peggy Saika hoped that the fundraiser, in addition to showing the ALC's support and appreciation of others, would also spark other community groups and agencies to prioritize immigrant rights as part of their civil rights agenda. Indeed, the program's theme, "Immigrant Rights: Civil Rights Issue of the 80's," captures the work that needs to be done in this juncture of the struggle against a conservative trend.

Minority Contractors...

(Continued from page 1

the ordinance is not based on residency or duration of residence.

The Ordinance also seeks to reinforce existing City programs requiring prime contractors to integrate their workforce by using good faith efforts to subcontract with MBEs and WBEs. The subcontractor requirements are intended to assist MBEs and WBEs to develop their status and capabilities as prime contractors of the City/County of San Francisco.

Non-MBEs and Non-WBEs qualify for up to 88% of the city's eligible contract dollars and all exempt and waived city contract dollars not sub-ject to the 12% minimum require-ment. In addition, non-MBEs and non-WBEs may even participate in the

12% set aside contract dollars by owning up to 49% of the MBE or WBE enterprises. They may also par ticipate in joint ventures with MBE/WBE and benefit from the set aside contract dollars.

The ordinance has flexible terms ensuring that it is not so rigidly applied as to resemble a quota system. The ordinance is constitutional because it contains sufficient safeguards ensuring that its implementation is narrowly tailored to the City's legitimate compelling in-

terests, the brief continued.
In arguing against the plaintiffs, the intervenors stated that the ordinance also expires in 5 years from its effective date, unless the HTC, after conducting hearings, finds that the purposes identified in the ordinance have not been achieved. The ordinance is a "good faith effort" plan, they con-

In-Kind **Donations** Needed

From time to time, when you or your company are thinking of getting rid of equipment (typewriters, computers), cars or furniture in working condition, please let us know. We may be able to use them. Your in-kind contribution is also tax-deductible.

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BOARD OF DIRECTORS: Bruce Chan, Momi Chang, Vicky Chin, Grant Din, Charlotte Fishman, Bill Jung, Gene Lam, Newton Lam, Gary Lee, Ken Lee, Will Leong, Debbie Lim, Wilfred Lim, Lloyd Wake and Dianne

ASIAN LAW CAUCUS STAFF: Madge Bello, Bobbie Camacho, Dennis Hayashi, Fanny Ho, Lori Kodama, Ed Lee, Wally Lee, Inday Refi, Derek Li, Peggy Saika, Bill Tamayo, Mike Wong, Nancy Wong, & Paul Yuen.

LAW INTERNS & VOLUNTEERS: Eun Chan, Tammy Chung, Karen Gee, SunJoo Kim, Amancio Liangco, Lin Liu, & Liz Ouyang.

Newsbriefs, Newsbr sbriefs, Newsbriefs, Newsbrief

Law Students in **Summer Clinical** Program

Seven law students are participating in an intense 10 week summer clinical program at the Asian Law Caucus. They include Tammy Cheung (UCLA), Karen Gee (Boalt Hall), SunJoo Kim (Hastings), Esther Leong (New College), Amancio Liangco (New College) and Liz Ouyang (Northeastern).

The students will receive training in both legal skills and community organizing work. Most of the ALC's cases involve work with groups of clients, who are seeking changes in either their housing or work situation. As such, the students will have the opportunity to interact directly with a sector of the ALC's clientele.

"I'm very pleased to have had the chance to work here," commented Liz Ouyang, who will be in her third year of law school next year. She echoed the sentiment of the rest of her group.

Workplace Raids Workshop

Asian Law Caucus attorney Bill Tamayo, participated in conducting a skills seminar on "Raids on the Workplace" sponsored by the National Immigration Project of the National Lawyers Guild. Over 200 attorneys and community workers attended the seminars, which were held in both San Francisco and San Jose, January 26 and February 2, respec-

The series of INS raids in the last few years sparked an interest among attorneys concerned with the rights of citizens and non-citizens alike, who get victimized in the INS' indiscriminate raids, explained Tamayo, who helped plan the

This is also our way of educating both legal workers and community activists on how to respond to an INS sweep. Employers, moreover, need to know what their rights are in this regard," stated Charlotte Fishman, one of the organizers of the seminars and an ALC Board member.

Tamayo opened the seminars with a discussion on the current INS raids. Simpson-Mazzoli legislation and employer sanctions and the alien's employer sanctions and the alien's right to work. Other attorneys in-cluding Matthew Ross, Polly Webber, David Berry, Marc Van Der Hout and Charlotte Fishman covered a series of wide-ranging topics from "Legal Considerations Affecting Employment for the Alien" to "Workplace Raids Scenario," and "Responding to Subpoenae and Search Warrants.

A 100-page handbook is still available from the National Immigration Project, 14 Beacon St., Boston, MA 02138. □

National Groups Form Immigrant Rights Coalition

he Asian Law Caucus joined over 150 immigrant rights activists from across the nation at the National Consultation on Immigrant and Refugee

Rights in Los Angeles April 25 to 27.
Panelists discussed topics including the repressive nature of the current immigration laws, the treatment of undocumented, asylum procedures for refugees from Central America and Haiti and the sanctuary movement.

The delegates, representing a cross-section of groups representing community, civil libertarian, legal, church and labor, voted to hold a "National Day of Justice" in October. They also voted to develop a task force to monitor INS abuses, to present a "Bill of Rights for Undocumented" to the United Nations, and to oppose repressive immigration legislation.

The ALC will be working with the local task force on the National Day of Justice, in conjunction with its educational work to the Asian community on the renewed immigration bill in Congress.

The bill which was reintroduced by Senator Alan Simpson, has all the worst features of the old bill.

Those interested in working on the

'Day of Justice" or having presentations to their groups, should contact Bill Tamayo or Madge Bello at 835-1474.

Hiroshima **Doctors Visit**



U.S. hibakusha received medical treatment from Hiroshima physicians. (Steven Okazaki photo)

For three days, the Asian Law Caucus took the opportunity to interview U.S. hibakushas when physicians from Hiroshima made their fifth annual visit June 14-16 to examine the survivors of the atomic bomb dropped in Japan during WWII.

The Asian Law Caucus was asked last year by the Committee of Atomic Bomb Survivors (CABS) to look into legal avenues for the hibakusha to receive medical benefits from the U.S. government.

"We were able to find a lot of information that we were not aware of," claimed Dennis Hayashi, who is working with Karen Gee, an ALC law clerk, who received funding this summer from the Berkeley Law Foundation to research the issue.

After the Bay Area, the six Japanese physicians will visit Los Angeles, Seattle, Honolulu and Vancouver, Canada, where they hope to reach the estimated 1,0 hibakushas now living in the U.S.

Although the Japanese govern-ment has financed and sponsored biennial U.S. medical visits with funding from the U.S. government, the

U.S. government has not allocated any monies for the treatment of hibakushas living in the U.S.

Kanji Kuramoto, head of CABS is hoping that the 40th anniversary of the bombing would generate more interest and support from the U.S. Congress. Congressional bills sponsored by California congressmen Edward Roybal and Norman Mineta over the past few years have failed to gain the support of other legislators.

Detention of Haitian Refugees Discriminatory

The Asian Law Caucus joined an amicus curiae brief advocating for the rights of Haitian refugees in the case rights of Haitian refugees in Jean v. Nelson (INS)

The U.S. Supreme Court will decide whether asylum seekers in exclusion proceedings are protected by the Fifth Amendment and whether the president's powers to detain Haitians is subject to constitutional scrutiny.

The Court will specifically decide whether invidious race and nationality discrimination in the incarceration of Haitian refugees is wholly beyond constitutional scrutiny. The peti-tioners are Haitians who are detained by the government while their asylum

claims are pending.

The amicus brief was written by Linton Joaquin, director of the West Coast office of the Central American Refugee Center (CARECEN) and counsel in Orantes-Hernandez v. a national class action challenge to the mistreatment of Salvadoran refugees.

Jean v. Nelson raises similar issues as in Korematsu v. U.S. regarding presidential power to discriminate on the basis of race and national origin in exercising its plenary authority. The amicus brief argues that the President (INS) has no inherent and statutory power over immigration permitting discriminatory incarceration of Black Haitian refugees unchecked by any constitutional scrutiny, and that all presidential scrutiny, and that all presidential power is limited by the constitution.

Residential Hotel Owner Wants Tenants Out

Over 60 tenants in a 26-unit residential hotel are being evicted because their landlord claims the units are existing illegally. Tenants in the 780 Broadway Street building in San Francisco's Chinatown received eviction notices in early May 1985 from Alan Wong, owner of Alan Wong's French Seafood Restaurant masterlease holder of the building. They were told to vacate the premises within 30 days

Tenants in the building, who are mostly elderly and refugees with infants and small children, say they have no place to go and want the Asian Law Caucus to find ways to stay their evictions. Self Help for the Elderly, Chinatown Coalition for Better Housing, and the Chinatown Neighborhood Improvement Center are also assisting in the eviction

The 2-floor residential hotel is not in the best condition, according to Asian Law Caucus attorney Ed Lee. The unit—have not been maintained, making it difficult for families to live there. The bathrooms on every floor, for example, are filthy and the showers are broken. There's only one communal kitchen for both floors of

the hotel. In addition, except for a heater in the hallway on each of the floors, there is no heat in the individual units.

The San Francisco Bureau of

Building Inspection (BBI) inspected the residential hotel in February 1984 in response to a complaint of lack of heat and hot water. As a result of approximately one year of investiga-tion, the BBI discovered that the building did not comply with a stated conversion plan.

"Apparently, the owner filed to convert the building in 1971 to a twoflat unit with a maximum occupancy of 2 families in each unit," Lee ex trapolated from the BBI investigation results. However, the masterlease holder, Alan Wong, advertised the building as a 26-unit hotel, renting each unit out at an average of \$185 per month.

Even with these terrible conditions in the building, tenants say they would like to remain there because the rent is affordable to them. They are looking into ways to fight their eviction and improve conditions, claiming that Wong had not only deceived them when they rented the (Continued from page 3)

Elderly Couple To Fight Eviction

An elderly Chinatown couple is fighting their eviction after 19 years of residency in their three bedroom flat on 1538 Grant Avenue in San Francisco. Pak Chung and Kam Yuk Chiu consulted the Asian Law Caucus after they received repeated notices of eviction from their landlord. The Chiu's flat is part of a two-flat apartment building with a garment shop on

the ground floor.

Mr. & Mrs. Chiu stated that the building was recently sold to a Mrs. Toshi Van Blitter. Sometime in November 1984, two individuals claiming to represent the landlord visited the Chius at their apartment and informed them that the owner was raising the rent from \$350 to \$700 a month. The representatives stated that the owner's niece was living in an apartment of similar size to the Chius and was paying \$700 a month rent. The landlord also warned the tenants not to seek the assistance

of an attorney.
When the Chius, who are in their 60's and retired, pleaded that they could not afford that much rent, the representatives offered to lower the proposed increase to \$650. In

January 1985, the owner's representative spoke to Mrs. Chiu and informed her that there would be no eviction if they were agreeable to paying \$550 a month. Both Mr. & Mrs. Chiu, however, felt the rent was still too much for them and decided to ignore the verbal "notices" and continued paying their current rent.

Shortly thereafter, the Chius began receiving a series of letters informing them that the owner wanted them to move out because she wanted to live in the premises herself. However, all of these notices were not in com-pliance with the Residential Rent Stabilization Ordinance of SF. According to Lee, the Rent Ordinance allows for an increase of only 4% for 12-month period. Moreover, eviction after failing to pay an illegal rent increase is prohibited. The case may go to trial possibly in July or August this year.

The Chiu's case is a typical housing problem in Chinatown. New endlords take over buildings occupied by tenants who've lived in the buildings for long periods of time, paying affordable rents.

Two J-Town Sites to Remain

After several months of negotiations with the Redevelopment Agency (RDA), members of the Japanese community won a partial victory early May in stemming the conversion of the Kabuki Theatre into a nine-screen cinema complex.

cinema complex.

ALC attorney Dennis Hayashi, who counseled the community opposition stated that the proposed conversion reopened old wounds in the community. "Most of what was J-town was completely razed by developers during the late 60's and early 70's," he stated, "and people have not forgotten that."

Steve Nakajo, executive director of Kimochi Kai, echoed the concerns of many in the community. "The theatre's use for ethnic functions would be severely limited, he said. In addition, 2,000 to 3,000 people who would frequent the theatres would compete with residents for parking spaces, which poses a real problem of congestion."

Ron Iwamasa of the Nihonmachi Community Development warned "We may be losing our sense of community if we are left without community facilities."

munity facilities."

American Multi-Cinema, the developer interested in purchasing the Kabuki Theatre, is returning with revised plans before the RDA. Under a contract with National Braemar, the RDA has the right to oversee the



SF Board of Supervisors voted to keep the Peace Plaza for community use. (Hokubei Mainichi photo)

design and usage of the complex until 1992 with an automatic 10-year extension to 2002. This agreement does not give the RDA the authority to rule on the sale of portions of the center, but it gives the agency the power to prohibit substantial changes in architectural design and permitted uses.

Meetings are still being held with wider participation from the Black

m nunity, who have been Japantown's historic neighbors, and also victims of redevelopment in the Western Addition. Hayashi stated that more discussions are anticipated to occur in the near future.

In a separate development, plans for the conversion of the Peace Plaza have been stalled. The Redevelopment Commission voted unanimously June 25 to support San Francisco Board of Supervisors resolution introduced by Bill Maher forbidding any development on the Plaza

any development on the Plaza.

The Plaza was purchased by Chinatown businessman Sinclair Louie. Louie intended to build three separate buildings, two over the ponds on each corner of Post Street and an L-shaped building along Geary Boulevard.

When this proposal came out in the open, community groups were taken by surprise. "I did not even know the plaza was private property. I always thought it belonged to the City," stated Sandy Ouye-Mori, director of Kimochi Board and Care Home.

Maher's resolution called for the Peace Plaza to be "irrevocably dedicated to and maintained as open space for public gatherings and events that feature Japanese culture and for other public purposes."

and for other public purposes."

Over the last 10 years, the Plaza has been the site of many community events including the Cherry Blossom Festival, the J-Town Street Fair and the Summer Festival. "It was a concession for tearing down people's homes, when redevelopment occured in the Western Addition in the 1960's," stated Hayashi.

The community is now looking into asking the city to purchase the plaza and designate it as public domain, otherwise Louie will have the option of charging rent for its use.

Tower Height Chopped For More Light In Park

The Asian Law Caucus together with the Committee for Better Parks and Recreation in Chinatown, Chinatown Neighborhood & Improvement Resource Center, Chinatown Coalition for Better Housing and San Franciscans for Reasonable Growth, worked out an out-of-court settlement in late January 1985 with the developer of an office highrise on Montgomery Street. Construction of the 24-story building on 505 Montgomery Street will cast a shadow on a popular Chinatown park.

The settlement with the Empire Group, the developer of the project, included a change in the design to reduce the shadow it would have cast on the park. The original tower would have shaded 10 to 40% of Portsmouth Square for up to two hours in the morning during much of the year, according to an environmental impact study done on the project.

Portsmouth Square is one of the few open spaces remaining in Chinatown. It is a popular relaxation site for many of Chinatown's elderly. Last year alone, thousands of city dollars were spent improving the children's tot lot area of the park.

The developers agreed to delete 23 feet from its original plan. In addition, Edwin Lee, Asian Law Caucus attorney, who negotiated together with Sue Hestor on behalf of the groups, stated that if the developers fail to incorporate these changes into their final design, they are liable for \$2 million in damages to the Trust for Public Land. The money would be used to purchase a park for Chinatown residents.

Even while negotiations were concluding, the groups filed suit against the developer on January 25 to preserve its standing before the courts. The opposition began its work last year, after the Planning Commission approved the project and the Board of Permit Appeals sustained that approval.

Although there are restrictions on building heights that would cast shadow on city parks, the SF Board of



Elderly are frequent users of Portsmouth Square. (ALC File photo)

Supervisors had exempted the 505 Montgomery Street building from those restrictions. Proposition K, which passed overwhelmingly in last year's city elections put a cap on shadows allowed on city parks.

year's city elections put a cap on shadows allowed on city parks.

Even with the height reduction, Gary Wong, co-chair of the Chinatown Better Parks & Recreation Committee was not very pleased. "The new design does not conform with what we expect under Proposition K. This only strengthens our resolve to demand hard, objective guidelines for the Sunlight Ordinance."

The design change for the highrise may have provoked another matter, noted Dean Macris, head of the Planning Commission. By reducing the shadow impact of one highrise, he said, it means that the one to its east, office tower under construction at 345 California will be casting a shadow on Portsmouth.

Although the settlement agreement did not please Macris, Lee stated that the negotiations would not have been necessary if the city adequately represented the viewpoints of the residents. "People feel that the city could do better to protect their interests," he added.

Gunne Sax Workers Say Termination Unfair

17 of about 20 cutters of Gunne Sax Manufacturing Company in San Francisco are asking the Asian Law Caucus to look into the fairness of their termination. Without any advance notice, they received a letter on March 22, stating that the whole cutting department would be permanently laid off because of an internal reorganization.

Jessica McClintock, owner of the company, stated in a letter to them that because of expansion needs and to stay competitive in the marketplace, the company will contract out its cutting, sewing and pressing needs and concentrate its efforts in designing and marketing its products. Gunne Sax currently has over 50 contracting shops throughout the Bay Area and Sacramento. 70% of its workers are women and Chinese, Filipinos, Laotian and Vietnamese make up the bulk of its workforce.

Many of the workers have worked for the company for 10 to 15 years. They felt it was unfair for the company to terminate them in just a day's notice, even though they were given a week's wage and 2 days severance pay for each year that they have been with the company. "It should have taken a more humane and a less drastic approach," complained one of the cutters.

the cutters.
Asian Law Caucus attorney Ed Lee is looking into the benefits due to the cutters. He said that many of them may have lost 1984-85 profit sharing distribution because they were terminated a few months before the

fiscal year ended. In addition, Lee is reviewing and explaining the terms of their pension plan, which they never completely understood before.

According to Lee, the workers feel remorseful as they look back to the early 1970's when they refused to be unionized. One of them said that this could not have happened to them if they had a union. They vowed that if they found other employment, they would remember this and seriously look into their bargaining capabilities.

Although the company has no plans for further lay-offs, the remaining workers, who are mostly seamstresses and warehouse personnel, fear they may receive the same fate as the cutters because Gunne Sax is continually changing. They have asked the International Ladies Garment Workers (Inion (ILGWU) to organize them. But the company made efforts to thwart the organizing drive by firing three Filipino workers. As a result the union staged a protest against the company on June 20, where many of the laid-off cutters joined the picket line. In addition, the ILGWU has called for a statewide boycott of all Gunne Sax products beginning June 20.

Gunne Sax, which has an annual sales of over \$50 million, also carries the label Jessica McClintock and Jessica. Its line of clothing includes high fashion women's dresses, evening and bridal gowns and children's clothes.

Residential . . .

(Continued to page 4)

units, but the units were in violation of health and safety standards according to State laws and city ordinances.

Although the May eviction came from Wong, the tenants are anticipating another eviction notice

from the owner of the building herself, Marcelle Granger of Oakland. Lee, who's preparing the eviction defense with the assistance of Paul Yuen and Liz (mang, ALC paralegal and law-clerk, respectively, stated that this is not an ordinary eviction case. "We are looking into other avenues to preserve the tenants' right to remain in the building."